Appl. No. 09/500,391
Amdt. Dated XXXXXX XX, 2004
Reply to Advisory Action of February 17, 2004

Docket No. CISCO-1858

REMARKS/ARGUMENTS

The present amendment is in response to the advisory action of February 17, 2004. The

advisory action does not indicate that the amendment after final rejection filed on January 22,

2004 was entered. Therefore, the present amendment assumes that the amendments made in that

document have not been implemented.

Claims 1, 16, 37, 41, 43, and 46 have been amended to further particularly point out and

distinctly claim subject matter regarded as the invention.

The First 35 U.S.C. § 103 Rejection

Claims 1-4, 6-8, 10-17, 37, and 39-41 stand rejected under 35 U.S.C. § 103(a) as being

allegedly unpatentable over Klimenko[1] in view of K.R. Sollings, "The TFTP Protocol (Revision

2)" (hereinafter RFC 783) and Bailey[2], among which claims 1, 16, 37 and 41 are independent

claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First
> there must be some suggestion or motivation, either in the references themselves or in the
> knowledge generally available to one of ordinary skill in the art, to modify the reference
> or to combine reference teachings. Second, there must be a reasonable expectation of
> success. Finally, the prior art reference (or references when combined) must teach or
> suggest all the claim limitations. The teaching or suggestion to make the claimed
> combination and the reasonable expectation of success must both be found in the prior
> art, not in the applicant's disclosure.[3]

---

[1] U.S. Patent 5,974,547
[2] U.S. Patent 6,185,623
[3] M.P.E.P § 2143.

Appl. No. 09/500,391
Amdt. Dated XXXXXX XX, 2004
Reply to Advisory Action of February 17, 2004

Docket No. CISCO-1858

Specifically, the Advisory Action contends that the elements of the presently claimed invention are disclosed in Klimenko, except that Klimenko does not teach that the information used to locate the file is a port address and file type.[4] The Office Action further contends that RFC 783 discloses a TFTP format that includes a filename, and that it is well known in the art that a filename implicitly specifies a file type. The advisory action further alleges that Klimenko discloses "determining a file based on file type" as "[f]iles "LANHD.IMG' (250) and 'LANHD.INI' (550) are only distinguishable based on the file extensions '.IMG' and '.INI, which represent file types."

Applicant recognizes that many filenames implicitly specify file types. However, claim 1 as amended includes the element "examining the file type and port address from said request packet to determine the file at the system controller to retrieve, said request packet not including information regarding a file name for the file." Neither Klimneko nor RFC 783 nor their combination teach this element. While files "LANHD.IMG" and "LANHD.INI" in Klimenko may only be distinguishable by their file types, information regarding the file name is necessary in order for the actual file to be retrieved. Put another way, the request packet in Klimenko must include a file name/location or else the server will not be able to retrieve the file.

Claims 16, 37, 41, 43, and 46 contain similar elements.

---

[4] Office Action ¶4.

Appl. No. 09/500,391
Amdt. Dated XXXXXX XX, 2004
Reply to Advisory Action of February 17, 2004

Docket No. CISCO-1858

Claims 2-4, 6-8, 10-15, 17, 40, 42, 44-45, and 47-48 are dependent claims. The

arguments made above are equally applicable here. The base claims being allowance, the

dependent claims must also be allowable.

Request for Allowance

It is believed that this Amendment places the above-identified patent application into

condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this

application, the Examiner is invited to call the undersigned attorney at the number indicated

below.

Respectfully submitted,
THELEN REID & PRIEST LLP

Dated: 3/2/04

Marc S. Hanish
Reg. No. 42,626

THELEN REID & PRIEST LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax (408) 287-8040